



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 21, 2025

BY ECF

The Honorable Colleen McMahon
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *American Council of Learned Societies v. National Endowment for the Humanities*, No. 25 Civ. 3657 (CM) and *The Authors Guild v. National Endowment for the Humanities*, No. 25 Civ. 3923 (CM)

Dear Judge McMahon:

This Office represents the Defendants in the above-referenced cases, which the Court consolidated. Case No. 25 Civ. 3657 (CM), Dkt. No. 52. We write respectfully to request an extension of Defendants' deadline to file any cross motions. *See id.*

The Court's Order provides that "[i]f the Government wishes to make any cross motions, it must do so by May 30, 2025," and also that "[r]esponsive papers in opposition to the preliminary injunction motion(s) are due on June 5, 2025." *See id.* Defendants anticipate that the arguments in any cross motions they may file will overlap significantly with arguments Defendants will make in opposition to the preliminary injunction motion(s). Accordingly, Defendants respectfully request an extension of six days, to June 5, 2025, of their deadline to file any cross motions. All other deadlines in the Court's May 14, 2025, Order would remain the same. Plaintiffs in both cases consent to this request. This is Defendants' first request for an extension of this deadline.

In addition, in the event that Defendants do not choose to move to dismiss Plaintiffs' complaints by May 30, 2025 (or, if the Court grants the requested extension, by June 5, 2025), Defendants do not understand the Court's May 14, 2025, Order to alter their deadline, per the Federal Rules, to answer or otherwise respond to Plaintiffs' complaint.¹ In case Defendants' understanding is incorrect, they respectfully request the Court's clarification on this point.

¹ This Office was served with the complaint in *American Council of Learned Societies v. National Endowment for the Humanities*, No. 25 Civ. 3657 (CM), on May 13 and was served with the complaint in *The Authors Guild v. National Endowment for the Humanities*, No. 25 Civ. 3923 (CM), today, May 15. Accordingly, Defendants' deadline to respond to the complaints is July 14, 2025. *See* Fed. R. Civ. P. 12(a)(2).

The Honorable Colleen McMahon
Page 2

We thank the Court for its consideration of these requests.

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York

By: s/ Mary Ellen Brennan
MARY ELLEN BRENNAN
RACHAEL DOUD
Assistant United States Attorneys
86 Chambers St., 3rd Floor
New York, New York 10007
(212) 637-2699
(212) 637-2652

cc: All counsel of record (via ECF)